

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

PURE POWER BOOT CAMP, INC.,
PURE POWER BOOT CAMP FRANCHISING
CORPORATION, and PURE POWER BOOT
CAMP JERICHO INC.,

Plaintiffs

SUPPLEMENTAL DECLARATION OF
RICHARD L. HERZFELD
IN OPPOSITION TO MOTION
TO PRECLUDE EMAILS

Index No.: 08 CV 4810 (JGK)(THK)

-against-

WARRIOR FITNESS BOOT CAMP, LLC,
ALEXANDER KENNETH FELL a/k/a ALEX
FELL, Individually; RUBEN DARIO BELLIARD
a/k/a RUBEN BELLIARD, Individually;
JENNIFER J. LEE Individually; and NANCY
BAYNARD, Individually,

Defendants.

-----X

RICHARD L. HERZFELD, ESQ., declares pursuant to 28 USC §1746 as follows:

1. I am a member of Bahn, Herzfeld & Multer, LLP., attorneys for plaintiffs and make this supplemental declaration in opposition to the application of defendants to preclude the use of emails secured by plaintiffs as directed by the court.

2. First, as argued on Friday, although CPLR 4506 does not apply, there is State Court authority for the use of evidence precluded under CPLR 4506 for impeachment. See People v. Jinsong He, 291 A.D.2d 413, 736 N.Y.S.2d 903; People v. Hughes, 124 A.D.2d 344, 507 N.Y.S.2d 285.

3. Second, I spoke to former counsel for plaintiffs who indicated that any cutoff at the bottom of the emails had been unintentional; at that time he had a copier malfunction which cut off the bottom of documents.

4. Third, on Friday I alerted the court to the fact that while the first page of Exhibit X, the “party list” email, made it appear as though it had been printed from the email account of Baynard, in fact, the Bayard email had been the end of the email chain and the actual email was printed from Fell’s account. After reviewing the exhibits, the Fell email is actually included as the second page of Exhibit X but is also attached hereto as Exhibit A.

5. Finally, attached as Exhibit B are the full emails to the extent located, with the time and dates shown.

WHEREFORE, it is requested that defendants’ motion be denied, together with such other and further relief as the court deems proper.

Dated: New York, New York

July 21, 2008 _____ S/HERZFE 25%tenog
RICHARD L. HERZFELD (0642)

464736679

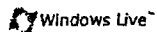
09:20:45 a.m.

07-17-2008

3 /6

Windows Live Hotmail Print Message

Page 1 of 1



Re: OUR PARTY LIST IS HUGE!!!!!!!!!!!!!!

From: kappamarine@hotmail.com
Sent: Mon 3/31/08 11:14 PM
To: Nancy Baynard (nancybaynard@yahoo.com)

Wow that is big time.
Sent via BlackBerry from T-Mobile

-----Original Message-----
From: Nancy Baynard (nancybaynard@yahoo.com)

Date: Mon, 31 Mar 2008 16:11:27
To: jennifer_l_lee@yahoo.com
Subject: OUR PARTY LIST IS HUGE!!!!!!!!!!!!!!

Um... ok so I just updated our party list (w/ a VERY DEAR FRIEND OF OUR's addition) and, um, HOLY SHIT. There's over 330 people that might come to ou

CHECK IT OUT!

EXHIBIT H

Live™

Use bootcamp places out

Jennifer J. Lee (jennifer_j_lee@yahoo.com)

e 7/24/07 5:30 PM

Alex Fell (afell@tmo.blackberry.net); ALEX FELL (kappamarine@hotmail.com)

<http://www.jaysbootcamp.com/><http://www.crossfitbo.com/><http://www.usmcfitnessbootcamp.com/><http://www.platoonfitness.com/><http://www.bulldogbootcamp.com/><http://www.ccbbootcamp.com/><http://www.startfitness.com/><http://www.underdogfitnessa.com/programs/outdoor/bootcamp.html>http://www.teamdelta.net/boot_fit.htm<http://www.fitboot.com/>http://www.achieve-fitness.com/boot_camp_manhattan.htm<http://www.efitnessedge.com/><http://www.bootcampfitnessnyc.com/intro.asp>http://www.livescience.com/health/ap_091109_boot_camp.html<http://www.nytimes.com/2007/09/01/fashion/01Fitness.html?ex=1330405200&en=1190877a76611caf&ei=50464partner=rssnyt&enc=rss><http://www.msnbc.msn.com/id/18909564/>

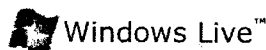
Thought of another way to sell how yours is different (besides being Marines, upsell of discounts, etc). But, looks like all these other bootcamp places are outside. Yours is better cause no matter the weather, classes are always still on.

I like how some use 0600 hours to make it very military like.

It's interesting that the prices are so much less at these non-NYC places.

Thinking way out of the box... but what about having men only and women only and men/women classes? Just a thought. I thought the NY Times article was interesting.

Jennifer J. Lee
773-230-9115 (cell)
212-982-5163 (work)
www.bobbyflay.com



GoDaddy.com Order Confirmation

From: sales@godaddy.com
Sent: Wed 7/25/07 2:15 AM
To: kappamarine@hotmail.com

ORDER CONFIRMATION from GODADDY.COM



Tuesday, July 24, 2007 7:14:55 PM

Special Offers & Helpful Hints

Dear Alexander Fell,

Thank you for ordering from GoDaddy.com! This email contains important information regarding your recent purchase — please save it for reference.

CUSTOMER NUMBER: 15519360
LOGIN NAME: 15519360
RECEIPT NUMBER: 75430696
ORDER TOTAL: \$22.18
CUSTOMER SERVICE: (480) 505-8877

QTY	ITEM	PRICE
1	.COM Domain Name Registration - 1 Year WARRIORFITNESSBOOTCAMP.COM	\$2.19
1	Deluxe Email (1 GB/5 Boxes)	\$19.99

Subtotal: \$22.18
Shipping & Handling: \$0.00
Tax: \$0.00
Total: \$22.18

Important Information concerning your purchase:

Domain Registration	Product Info	Legal Agreement
Free Complete Email	Product Info	Legal Agreement
Free Hosting w/ Web Site Builder	Product Info	
Quick Blog	Product Info	Legal Agreement
Starter Web Page or	Product	



Domains are only \$1.99
with any new, non-domain purchase. No quantity limit!

FREE with every domain:

- Hosting**
- Web builder
- Blog
- Personalized Email
- AND MORE!

[Learn more now](#)

Deluxe Hosting - Just \$6.29/mo for 12 months! Save 10%! Host with 50,000MB space, 500GB transfer, FREE software & more!

Deluxe Email - Just \$19.99/yr! Advertising-free and protected from fraud, spam & viruses!

WebSite Tonight® Deluxe - Just \$8.10/mo for 12 months! Build your site online in minutes! Save 10%!

How Do I...?

- ▶ Create my [email](#) account?
- ▶ Set up my [hosting](#) account?
- ▶ Receive my [Google® AdWords®](#) or [Microsoft® adCenter](#) credit?

For Sale Page Info
Webmail Product Legal
Info Agreement

Log in to the Go Daddy® Account Manager to set up and/or manage your free and purchased products:

1. Go to the GoDaddy.com home page and click "My Account."
2. Enter your log in name (or customer number) and password, then click "Secure Login," which will take you to the Account Manager where you may manage your products and services.

Download your free print-quality guide, *Making the Internet Work for You* [here](#).

Adobe® Reader® is needed to view this guide. To download it [click here](#).

If you have any questions about this order or the products/services you've purchased, please feel free to:

- Contact Customer Support at (480) 505-8877
- Email us at support@godaddy.com

Sincerely,
GoDaddy.com



Prices are current as of 7/24/2007, and may be changed without notice.

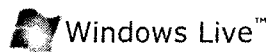
*Plus ICANN fee of 20 cents per domain name year. Visit our [Web site](#) for details.

**Free hosting w/domain name is ad-supported hosting. Ad-supported Web sites contain relevant online advertising on a small portion of the site, but DO NOT include obtrusive pop-up ads.

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- ▶ [Make](#) a domain name [private](#)?
- ▶ [Manage](#) a registered domain name?
- ▶ [Forward](#) a domain name?
- ▶ [Renew](#) domain names?
- ▶ [Transfer](#) domain names to Go Daddy?
- ▶ Set up my [dedicated](#) or [virtual dedicated](#) server?
- ▶ [Drive web traffic](#) using Traffic Blazer®?
- ▶ Find out about [what's new](#) with products and services?
- ▶ [Activate](#) my Free Practical eCommerce subscription?
- ▶ View [Legal Agreements](#)?

**RE: Hey Bro**

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Thu 3/13/08 8:41 PM
To: Jon Milstein (jmilstein@cox.net)

In the city. You still talk to anybody from VCU?

From: jmilstein@cox.net
To: kappamarine@hotmail.com
Subject: Re: Hey Bro
Date: Wed, 12 Mar 2008 19:24:25 -0500

I love the fact you went into the hazing business professionally.

So where in New York are you? The city? Or upstate?

----- Original Message -----

From: ALEX FELL
To: Jon Milstein
Sent: Wednesday, March 12, 2008 8:44 AM
Subject: RE: Hey Bro

Yeah man, I've been running a boot camp gym up here for the last 3 years and I'm in the process of starting my own with a business partner. It's been a hard process, starting a business. We've been at this now for 8 months but we are close to finalizing a lease deal. I am excited. My business partner is a guy I was in the Marines with and also works with me.

I was a camera operator. I actually went to film school here in New York and planned on really getting into the industry as a Cinematographer. Bought an HD camera and did a couple of jobs. Nothing too serious but then I fell into this job. I love it.

I do know TriCare. I used to have my Dental insurance with you guys. Not surprised you work in some capacity with the government being that you live in NOVA.

It's crazy but I can't believe the time has gone by so quick. Give me a ring if you're ever in town.

Good luck with your interview.

-Alex

From: jmilstein@cox.net
To: kappamarine@hotmail.com
Subject: Re: Hey Bro
Date: Wed, 12 Mar 2008 06:56:44 -0500

Dude!

Colin was telling me you run a boot camp? That's so funny! I'm good... I'm in Northern Virginia, where I've been for most of the last 10 years. God, it's strange that it's really been that long. I work as a Curriculum Developer for TRICARE- you know TRICARE, right? I work in the training department. It's boring, I'm actually interviewing for a job tomorrow morning.

But no, I'm not married... still in the dating pool. Man, I actually haven't even been seeing anyone for a few months now, but I think I'm just about to get something started here... not sure though.

Thanks for the video love. A friend and I have entered this thing called the 48 Hour Movie project, so we'll be coming up with a new short soon. Oh, Colin mentioned you were a camera operator? That's really cool man. I actually was doing that a little for just the local cable company here, but then I decided against making a show for public access. Too stupid, no one would watch. It's got to be for the web.

Jon

----- Original Message -----

From: Alex Fell

To: jmilstein@cox.net

Sent: Tuesday, March 11, 2008 8:53 PM

Subject: Hey Bro

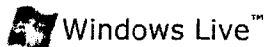
Jon, what's up man? Colin told me that you guys have been in touch. What's new in the last 10 years? You married? What are you doing for work? Where the hell do you live? Colin sent me the link to your video, funny as hell.
I'm in New York. Things are good. Hope all is well. Keep in touch

-Alex

Climb to the top of the charts! Play the word scramble challenge with star power. Play now!

Climb to the top of the charts! Play the word scramble challenge with star power. Play now!


EXHIBIT J

**NW Term - revised**From: **Jennifer J. Lee** (jennifer_j_lee@yahoo.com)

Sent: Wed 12/05/07 5:32 PM

To: ALEX FELL (kappamarine@hotmail.com)

Attachments: NW termination.doc (19.6 KB)

Security scan upon download 

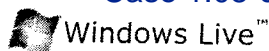
Hi honey. You certainly do know how to write a business letter! I think it's nearly perfect. I put a few minor tweaks in it. Let me know what you think.

Looks great.

They make me SO mad. I am so sorry about this.

Jennifer J. Lee
773-230-9115 (cell)
212-982-5163 (work)
www.bobbyflay.com

EXHIBIT K

**RE: Revised proposal 104 w 27**From: **ALEX FELL** (kappamarine@hotmail.com)

Sent: Mon 2/11/08 3:09 PM

To: Ryan Wagner (ryan.nycru@gmail.com)

Send it.

Date: Mon, 11 Feb 2008 10:01:51 -0500

From: ryan.nycru@gmail.com

To: kappamarine@hotmail.com

Subject: Re: Revised proposal 104 w 27

Yeah that won't be a problem. The landlord told me they are getting rid if the tenant this month. Do I need to hear back from Ruben also or can I send it to the landlord?

Hope all is well,

Ryan

On Feb 11, 2008 9:56 AM, ALEX FELL <kappamarine@hotmail.com> wrote:

Ryan,

It looks good.

I walked by there this weekend and it looks like there is a store still in business on the first floor. Will we be able to use the elevator or an existing staircase until that tenant leaves?

-Alex

Date: Mon, 11 Feb 2008 09:48:52 -0500

From: ryan.nycru@gmail.com

To: belliardrd@gmail.com; kappamarine@hotmail.com

Subject: Revised proposal 104 w 27

Hey Guys,

Please see attached the revised proposal for 104 w 27th. The only thing I changed was the price. Let me know what you guys think so I can send it to the landlord.

Best,

Ryan

--

Ryan Wagner
New York Commercial Realty Services
462 Broadway, Suite540
New York, NY 10013



RE: List of space

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Mon 2/11/08 5:12 PM
To: Greg Bonura (gbonura@findnycoffice.com)
Attachments: Letter v.3.doc (33.9 KB)

Security scan upon download

Greg,

Attached you'll find the info I spoke of. As for the list of spaces, we have already seen the following:

25 w. 26th
37 w. 26th
28 w. 27th
34 w. 27th
256-260 w. 38th

Also, anything over \$23,000 per month is above our ceiling.

I look forward to hearing from you.

-Alex

From: gbonura@findnycoffice.com
To: kappamarine@hotmail.com
CC: winslow@findnycoffice.com
Subject: List of space
Date: Mon, 11 Feb 2008 11:42:13 -0500

Hi Alex,

Please see a list of space culled from the data base that I will commence to qualify that they'll accept a Physical Fitness training center. The information you mentioned would help. Thanks!

Greg Bonura - Associate

Winslow & Company LLC - Commercial Real Estate

34 West 15th Street, 7th Floor

New York, NY 10011

T: 212.982.8484 x21

F: 212.982.6633

C: 646.526.4091

E: gbonura@findnycoffice.com

Climb to the top of the charts! Play the word scramble challenge with star power. [Play now!](#)



Windows Live™

(No Subject)

From: **ALEX FELL** (kappamarine@hotmail.com)

Sent: Wed 2/20/08 2:37 PM

To: Jen (jennifer_j_lee@yahoo.com)

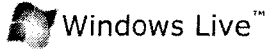
Hey honey,

This is the offer for 35th street.

I love you

Shed those extra pounds with MSN and The Biggest Loser! Learn more.

EXHIBIT L




FW: Warrior Fitness Boot Camp Offer.doc

From: **ALEX FELL** (kappamarine@hotmail.com)

Sent: Wed 2/27/08 3:25 PM

To: ruben (belliardrd@gmail.com); ruben blackberry (belliardrd@tmo.blackberry.net)

Attachments: Warrior Fitness Boot Camp Offer.doc (153.9 KB)

Security scan upon download 

Subject: Warrior Fitness Boot Camp Offer.doc

Date: Wed, 27 Feb 2008 09:40:20 -0500

From: MLevine@newmarkkf.com

To: jeff@kleinsolomon.com; malkie@kleinsolomon.com

CC: HKessler@newmarkkf.com; roni@empirestateequities.com; kappamarine@hotmail.com; paul@empirestateequities.com

Jeff,

Please draw leases for the Entire 3rd floor. The terms are attached.

-Matt

Matthew S. Levine

Corporate Advisory Services

Newmark Knight Frank

125 Park Avenue

New York, NY 10017

Tel: (212) 372-2285

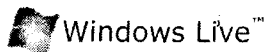
Fax: (212) 372-2382

mlevine@newmarkkf.com

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Climb to the top of the charts! Play the word scramble challenge with star power. Play now!

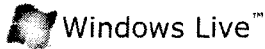
EXHIBIT M

**(No Subject)**

From: **Alex Fell** (kappamarine@hotmail.com)
Sent: Wed 2/27/08 4:35 PM
To: Sales@hammerheadinc.com

I am interested in your rubberflex flooring. Can you send a pricing sheet please. Looking for approximately 2,000 - 3,000 feet of flooring. Want the most economical option. Also, what do the shipping costs on an amount like this generally run?

Thank you,
Alex Fell
kappamarine@hotmail.com



RE: Rolled Rubber

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Thu 2/28/08 3:35 AM
To: Aaron Duran (aduran@olympicsportsflooring.com)

Aaron,

I did receive your email. I'm looking into it and if I have any questions I'll shoot you an email.
Thanks,
Alex

From: aduran@olympicsportsflooring.com
To: kappamarine@hotmail.com
Subject: Rolled Rubber
Date: Wed, 27 Feb 2008 15:31:53 -0600

Alex,

I want to make sure you received the estimate I sent you for ½" Rolled Rubber. Please do not hesitate to email with questions.

You are able to purchase the flooring through our website. Typically the lead time for delivery is 3 weeks.

Again, email with further questions.

Thank you,

Aaron

Aaron Duran

Associate

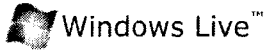
aduran@olympicsportsflooring.com

phone: 888.520.0920

fax: 888.737.7650

Need to know the score, the latest news, or you need your Hotmail®-get your "fix". [Check it out.](#)

EXHIBIT N



29th st. Offer

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Thu 2/28/08 3:49 PM
To: mschad-garth@nyc.rr.com

Matt Schad,

Lessee- Alexander Fell, Ruben Belliard, Jennifer Lee

Base Rent- \$31

Escalations - 3%

Term- 10 years

Security - 3 Months + Good Guy Guarantee

Concession -5 months

Delivery - April 1

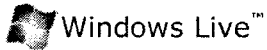
Landlord to deliver space as a white box

We will need 24 hour access. Our operating hours are from 5 a.m. to 9 p.m. 1 Hour Classes are from 5:30-6:30, 6:30-7:30, 7:30-8:30, 9-10 a.m. and 5:30-6:30, 6:30-7:30, 7:30-8:30 p.m. Class size is about 10 people per. We will also conduct personal training session during lunch hour.

Matt if you have any questions let me know

-Alex

Helping your favorite cause is as easy as instant messaging. You IM, we give. Learn more.



RE: 29 West 35th Street, New York, N.Y.- Lease for 3rd Floor with Warrior Boot Camp LLC

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Thu 2/28/08 8:40 PM
To: Levine, Matthew (mlevine@newmarkkf.com)

Great. will look at it and send it to my attorney asap.
-Alex

Subject: 29 West 35th Street, New York, N.Y.- Lease for 3rd Floor with Warrior Boot Camp LLC
Date: Thu, 28 Feb 2008 15:36:20 -0500
From: MLevine@newmarkkf.com
To: kappamarine@hotmail.com
CC: HKessler@newmarkkf.com; BMendelson@newmarkkf.com

Lease attached.

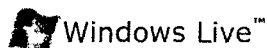
Matthew S. Levine

Corporate Advisory Services
Newmark Knight Frank
125 Park Avenue
New York, NY 10017
Tel: (212) 372-2285
Fax: (212) 372-2382
mlevine@newmarkkf.com

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Need to know the score, the latest news, or you need your Hotmail®-get your "fix". [Check it out.](#)

EXHIBIT O



Warrior Fitness- EIN

From: **Sutera, Geraldine M.** (GSutera@foxrothschild.com)

Sent: Wed 3/05/08 4:11 PM

To: kappamarine@hotmail.com

Attachments: RL1-#702181-v1-Warrior_Fitness_SS-4_EIN.PDF (109.0 KB)

Security scan upon download

Attached for your records is a copy of the Internal Revenue Service correspondence which contains the assigned Employer Identification Number 26-2102073 for Warrior Fitness Boot Camp, LLC. If you have any questions, please contact our office.

Geraldine M. Sutera

Paralegal

Fox Rothschild LLP

75 Eisenhower Parkway

Roseland, NJ 07068

Direct: (973) 994-7518

Fax: (973) 992-9125

gsutera@foxrothschild.com

www.foxrothschild.com

ATTENTION:

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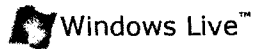
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Thank you.

EXHIBIT P

Windows Live Hotmail Print Message

Page 1 of 1



WFBC Biz Plan - 3/20/08

From: **Jennifer J. Lee** (jennifer_j_lee@yahoo.com)

Sent: Thu 3/20/08 8:28 PM

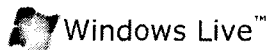
To: ALEX FELL (kappamarine@hotmail.com)

Attachments: WF_Plan_032008.doc (58.9 KB)

Security scan upon download TREND MICRO

Jennifer J. Lee
212-982-5163 (work)
www.bobbyflay.com

EXHIBIT R

**RE: Hey Bro**From: **ALEX FELL** (kappamarine@hotmail.com)

Sent: Sat 3/15/08 5:06 PM

To: jmilstein@cox.net

Warrior Fitness Boot Camp. Have a good weekend

> Date: Fri, 14 Mar 2008 16:18:16 -0400

> From: jmilstein@cox.net

> To: kappamarine@hotmail.com

> Subject: RE: Hey Bro

>

> That sounds really cool man, congrats. It sounds great. What's the name of your business?

>

> I'm sorry about the Laura situation, but I guess you found someone new, so that's cool.

>

> I am bored as hell here, just waiting until 5. But at least it's been a lazy Friday... I've had bad luck here with lots of busy stressful Fridays for some random reason. It's also super nice out, so sitting here in the office is not bliss.

>

> ---- ALEX FELL <kappamarine@hotmail.com> wrote:

> >

> > Yeah, Laura and I broke up about a year ago. We were engaged to be married and she moved up here. We bought an apartment together, but it didn't work out.

> >

> > As far as what I do, I am a fitness trainer basically. Classes are 1 hour long and you come 4 days a week. The first time you sign up, its a 6 week program. After that, you can sign up again for as long as you want. 6 weeks, 8 weeks, 12 weeks and even 6 months if you choose. We have an indoor obstacle course that we have our clients run and also incorporate calisthenics(ex: jumping jacks) bodyweight exercises (push ups, squat thrusts) and also traditional workout routines with weights. A lot of "functional training" for the body. A lot of running, etc... Just like Boot Camp.

> > I love it.

> > When we get our website up and running I'll send the url. Should happen within the next couple of weeks. Lawyers are still negotiating the lease for us but we should be close to the last round of negotiations. I am super anxious to get it started.

> >

> >

> > From: jmilstein@cox.net To: kappamarine@hotmail.com Subject: Re: Hey Bro Date: Thu, 13 Mar 2008 19:03:17 -0500

> >

> >

> >

> > oh you are? Cool. Yo, Colin said you had been dating Laura from tri-Sig in recent history, that is so weird. You bumped into her randomly or something? But I'm glad to hear that's over now... you guys had much drama.

> >

> > Rob was a spastic guy and his nickname was "Gnat." He was a freshmen when I was on my last year, so you may not have known him. But didn't you move back and live with Cuttier? Or was that just for a summer? He has blond hair anyway. Do you do myspace? You should if not. We can be myspace friends. And that's serious shit.

> >

> > Yeah - I am definitely taking the job, but they kind of lowballed me on the salary so I need to make a counteroffer. But I think if they can just give me a little more I'll be psyched. At the job I'm leaving I have a good friend, this girl, who I'm going to miss pretty bad. But I need to get the hell out of there because I'm just hopelessly into her, and she apparently doesn't want to be more than friends, so it's hard. But getting out of the environment will be just what I need.

> >
> > So what do you do exactly with the boot camp thing?
> >
> > ----- Original Message -----
> > From: ALEX FELL
> > To: jmilstein@cox.net
> > Sent: Thursday, March 13, 2008 4:02 PM
> > Subject: RE: Hey Bro
> > Congrats dude! What's the job? You're gonna take it right? I'm trying to place Rob. I can't remeber his face. When did he pledge? That's funny. I'm dating a Korean chick too. > Date: Thu, 13 Mar 2008 16:55:11 -0400> From: jmilstein@cox.net> To: kappamarine@hotmail.com> Subject: RE: Hey Bro> > I reconnected with Rob Reeve after I visited VCU a couple years ago. I was hanging out with Reggie and Andrew Alisuag a little too, but Alisaug turned out to be a fucking faggot piece of shit (somewhat long story) and I think he hangs out with Reggie too much for me to bother.> > So I just hang out with Rob occassionally. He's married to an attractive older Korean chick. He did well. > > Hey man, I interviewed for a job this morning and I just now got the call back from the recruiter- they offered me the job! I am quite happy. I want out of this place badly.> > ---- ALEX FELL <kappamarine@hotmail.com> wrote: > >
> > In the city. You still talk to anybody from VCU? > > > > > From: jmilstein@cox.netTo: kappamarine@hotmail.comSubject: Re: Hey BroDate: Wed, 12 Mar 2008 19:24:25 -0500> > > > >
> > I love the fact you went into the hazing business professionally. > > > > So where in New York are you? The city? Or upstate?> > > > ----- Original Message ----- > > From: ALEX FELL > > To: Jon Milstein
> > Sent: Wednesday, March 12, 2008 8:44 AM> > Subject: RE: Hey Bro> > Yeah man, I've been running a boot camp gym up here for the last 3 years and I'm in the process of starting my own with a business partner. It's been a hard process, starting a business. We've been at this now for 8 months but we are close to finalizing a lease deal. I am excited. My business partner is a guy I was in the Marines with and also works with me. I was a camera operator. I actually went to film school here in New York and planned on really getting into the industry as a Cinematographer. Bought an HD camera and did a couple of jobs. Nothing too serious but then I fell into this job. I love it. I do know TriCare. I used to have my Dental insurance with you guys. Not surprised you work in some capacity with the government being that you live in NOVA. It's crazy but I can't believe the time has gone by so quick. Give me a ring if you're ever in town. Good luck with your interview. -Alex> > > > > From: jmilstein@cox.netTo: kappamarine@hotmail.comSubject: Re: Hey BroDate: Wed, 12 Mar 2008 06:56:44 -0500> > > > >
> > Dude!> > > > Colin was telling me you run a boot camp? That's so funny! I'm good... I'm in Northern Virginia, where I've been for most of the last 10 years. God, its strange that it's really been that long. I work as a Curriculum Developer for TRICARE- you know TRICARE, right? I work in the training department. It's boring, I'm actually interviewing for a job tomorrow morning.> > > > But no, I'm not married... still in the dating pool. Man, I actually haven't even been seeing anyone for a few months now, but I think I'm just about to get something started here... not sure though. > > > > Thanks for the video love. A friend and I have entered this thing called the 48 Hour Movie project, so we'll be coming up with a new short soon. Oh, Colin mentioned you were a camera operator? That's really cool man. I actually was doing that a little for just the local cable company here, but then I decided against making a show for public access. Too stupid, no one would watch. It's got to be for the web.> > > > Jon> > > > -----
> > Original Message ----- > > From: Alex Fell > > To: jmilstein@cox.net > > Sent: Tuesday, March 11, 2008 8:53 PM> > Subject: Hey Bro> > > > Jon, what's up man? Colin told me that you guys have been in touch. What's new in the last 10 years? You married? What are you doing for work? Where the hell do you live? Colin sent me the link to your video, funny as hell. > > I'm in New York. Things are good. Hope all is well. Keep in touch> > > > -Alex > > > > Climb to the top of the charts! Play the word scramble challenge with star power. Play now! > >

> > Climb to the top of the charts! Play the word scramble challenge with star power. Play now!
the charts! Play the word scramble challenge with star power.> > http://club.live.com/star_shuffle.aspx?icid=starshuffle_wlmailtextlink_jan>

> >
> > Climb to the top of the charts! Play the word scramble challenge with star power. Play now!
> >

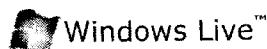
> > Shed those extra pounds with MSN and The Biggest Loser!

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EXHIBIT S

**RE:**

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Mon 3/17/08 2:51 PM
To: Jennifer J. Lee (jennifer_j_lee@yahoo.com)

I don't really believe it, but the more we make her think that I'm moving on, the better. I think it looks better when I file the claim for unemployment and it may soften her up and change her mind if she was going to deny my claim for unemployment. That way I don't have to try and take her to small claims court.

> Date: Mon, 17 Mar 2008 07:38:38 -0700

> From: jennifer_j_lee@yahoo.com

> Subject: RE:

> To: kappamarine@hotmail.com

>

> Wait, did you really? You are writing Lauren, Thank
> you for the opportunities?

>

> I told Steph and Charlotte (via email) and Charlotte
> wants you to call her and hang out with her since she
> doesn't have a job and is bored. HA HA.

>

>

> --- ALEX FELL <kappamarine@hotmail.com> wrote:

>

> >

> > That was my first draft, but then I took Carolyn's
> > advice. You're so funny.

> > I love you> Date: Mon, 17 Mar 2008 07:25:36 -0700>

> > From: jennifer_j_lee@yahoo.com> Subject: Re: FW:>

> > To: kappamarine@hotmail.com> > Opportunities you

> > gave me? > > Well, then, you should email her this:

> > > Dear Classless Lauren,> > Thank you for giving

> > me the opportunities in the past.> I intend to use

> > all my learnings on how NOT to run a> business,

> > using you as my role-model, when I open my> own

> > business. > > And, I will make sure that when your

> > clients come to> me, I will tell them all the things

> > you did so that I> don't run the business anywhere

> > the same like you did.> > > Good luck in your

> > miserable, pathetic and lonely life,> you will need

> > it. > > --- ALEX FELL <kappamarine@hotmail.com>

> > wrote:> > > > > > > > Subject: Re:Date: Mon,

> > 17 Mar 2008 10:11:26> > -0400From:

> > CRichmond@foxrothschild.comTo:> >

> > kappamarine@hotmail.com> > > > Hi. I'm in Vegas now

> > getting ready to give a speech> > in a few. However,

> > yes you can and should file for> > unemployment.

> > Unfortunately, unless she made> > "discriminatory"

> > remarks based on national origin,> > gender, race,

> > sexual harassment etc, there really> > isn't a claim

> > just because she is a nasty bitch.> > What you can

> > do is "confirm" that she terminated you> > for the

> > reasons she stated and send back an email> > stating

> > something like "while I do not believe> > giving

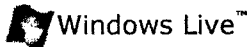
> > away my hours and terminating me for not> > being a

> > team player was a way to end our> > relationship
> > after all these years, I appreciate the> >
> > opportunities you gave me". Then add a line about> >
> > any vacation time she may owe you, and if you get> >
> > health insurance, confirm that she will be sending>
> > > cobra forms. Carolyn D. RichmondCarolyn D.
> > Richmond,> > Esq.Fox Rothschild, LLP212 878.7983212
> > 692.0940> > fax100 Park AvenueNew York, NY 10017Sent
> > from my> > BlackBerry Wireless Device-----Original>
> > > Message-----From: ALEX FELL> >
> > <kappamarine@hotmail.com>To: Richmond, Carolyn> >
> > D.Sent: Sun Mar 16 20:19:31 2008Subject:Hey
> > Carolyn,> > Lauren Brenner (my boss) just fired me
> > from Pure> > Power Boot Camp. She called me tonight
> > at 7:50 to> > tell me that she is giving some of my
> > hours to> > another trainer and that she has to make
> > it fair for> > everybody and do right by him. When I
> > pointed out> > that the other trainer has just as
> > many hours as me> > and that now she is not doing
> > right by me, she> > hurled some expletives at me,
> > tells me I'm not a> > team player, and proceeds to
> > tell me that I have a> > bad attitude. Honestly,
> > I was not getting angry. I> > explained that she was
> > being quite unprofessional> > and I don't appreciate
> > her cursing at me. Jen was> > sitting here listening
> > the entire time.So, I was> > wondering if I file for
> > unemployment, and possibly> > file a complaint with
> > the labor department, can she> > use this against me
> > when we open our business? This> > is not the first
> > time that she has treated employees> > this way. I
> > can think of 2 other employees off the> > top of my
> > head who have been cursed at and told they> > were
> > fired for no other reason than defending> >
> > themselves against her vicious attacks.Any guidance>
> > > would be extremely helpful.Thank you,Alex> >
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> > <<http://biggestloser.msn.com/>>ATTENTION:> > > > IRS
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> > www.bobbyflay.com> >
> >
> _____
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> >
> http://club.live.com/star_shuffle.aspx?icid=starshuffle_wlmailtextlink_jan
>
>
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>

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EXHIBIT T



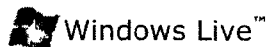
FW: Touching base

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Mon 3/24/08 1:33 PM
To: Jen (jennifer_j_lee@yahoo.com)

> To: Kappamarine@hotmail.com
> Subject: Touching base
> From: cemaddock@rcn.com
> Date: Mon, 24 Mar 2008 13:06:21 +0000
>
> Alex-
>
> I was sorry to learn what happened and I am sorry I didn't say anything earlier. I wasn't sure it was appropriate for me to say anything(since I did not know what really happened, but lee has filled me in). Anyway, I hope you are ok and that you will find something when you are ready. Do you have any ideas what you would like to do? It will definitely not be the same without you. :)
>
> I did have a pft on saturday, it went better than I expected. The problem is that I had it and let it slip away. The gunnery sergeant said I should have passed I mentally let it go. The arm hang was worse than normal when I practice with Lee, but my technique was not great so that will be better. The abs perfect, again form could be better. The run was surprisingly good. I did the first mile and half in 12 minutes, the gunny told me that I was within regulation all I had to do was shave off a minute on the way back. I pushed too hard at first, cramped, slowed at the last quarter mile so I basically quit. The gunny met me, pushed me, I sprinted all out making her work hard to keep up, but I gave up!!!!!!
> Basically I had a mental block, even the gunny said I should have made it. I also was not running that fast in practice(I felt the same though during the test) so I did not think I could do it. Lack of confidence, not acceptable, not excusable, not forgivable. However, I think I know how much harder I need to push these last two weeks to make e gain that confidence. I also learned that I don't like running alone.
>
> Anyway, if you ever want to run. I am close to the east river fields, or west side highway. I would also love to have lunch/drinks/coffee (my treat after all you have done)
>
> Anyway, although late, please accept my best.
>
> Maddock
> Sent via BlackBerry from T-Mobile

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EXHIBIT U

**Fwd: Party List 3/25/08**From: **Jennifer J. Lee** (jennifer_j_lee@yahoo.com)

Sent: Tue 3/25/08 9:06 PM

To: ALEX FELL (kappamarine@hotmail.com)

Attachments: Jen and Nancy Party List 032508.xls (48.6 KB)

Security scan upon download



--- "Jennifer J. Lee" <jennifer_j_lee@yahoo.com>
wrote:

> Date: Tue, 25 Mar 2008 14:06:09 -0700 (PDT)
> From: "Jennifer J. Lee" <jennifer_j_lee@yahoo.com>
> Subject: Party List 3/25/08
> To: Alex Fell <afell@tmo.blackberry.net>
>
>
>
> Jennifer J. Lee
> 212-982-5163 (work)
> www.bobbyflay.com
>
>

Jennifer J. Lee
212-982-5163 (work)
www.bobbyflay.com

EXHIBIT W

Windows Live™


Fw: Revised Lease

From: afell@tmo.blackberry.net

Sent: Mon 3/31/08 6:15 PM

To: Me (kappamarine@hotmail.com)

Attachments: WarriorBootCamp.Rider033108.pdf (3.8 MB), WarriorBootCamp.REBNY0331208.pdf (751.2 KB), WarriorBootCamp.footnotes0331208.pdf (42.4 KB)

Security scan upon download 

Sent from my BlackBerry wireless handheld.

-----Original Message-----

From: "Levine, Matthew" <MLevine@newmarkkf.com>

Date: Mon, 31 Mar 2008 14:12:19

To: <afell@tmo.blackberry.net>

Subject: FW: Revised Lease

From: devorah weinschneider (<mailto:devow2002@yahoo.com>)

Sent: Monday, March 31, 2008 1:22 PM

To: stuartantell@yahoo.com

Cc: Jeff@kleinsolomon.com; devorah weinschneider; Levine, Matthew

Subject: Revised Lease

Stuart,

I am emailing this to you at your private email address as my previous emails to your firm address have failed.

Please see attached:

1. Redline rider incorporating all changes since the original draft; and
2. REBNY form; and
3. Footnotes to lease.

It is my understanding from Matt Levine, the broker, that your client is prepared to execute the lease today. Based on that understanding I have noti

Please contact me as soon as possible with any questions with respect to the attached.

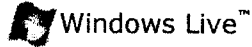
Sincerely,

Devorah S. Weinschneider

OMG, Sweet deal for Yahoo! users/friends: Get

A Month of Blockbuster Total Access, No Cost. <<http://us.rd.yahoo.com/abt=47520/http://tc.deals.yahoo.com/tc/blockbuster/text2.com>> W00t

EXHIBIT X




OUR PARTY LIST IS HUGE!!!!!!!!!!!!!!

From: **Nancy Baynard** (nancybaynard@yahoo.com)

Sent: Mon 3/31/08 11:11 PM

To: jennifer_j_lee@yahoo.com

Attachments: Jen_and_Nancy_Party_List 0331.xls (64.6 KB)

Security scan upon download 

Um... ok so i just updated our party list (w/ a VERY DEAR FRIEND OF OUR's additions) and, um, HOLY SHIT. There's over 330 people that might come to our party!!!!!!

CHECK IT OUT!

6464736679

09:20:45 a.m.

07-17-2008

3 / 6

Windows Live Hotmail Print Message

Page 1 of 1

 Windows Live

Re: OUR PARTY LIST IS HUGE!!!!!!!!!!!!!!
From: kappamarine@hotmail.com
Sent: Mon 3/31/08 11:14 PM
To: Nancy Baynard (nancybaynard@yahoo.com)

Wow that is big time.
Sent via BlackBerry from T-Mobile

-----Original Message-----
From: Nancy Baynard <nancybaynard@yahoo.com>
Date: Mon, 31 Mar 2008 16:11:07
To: jennifer_lee@yahoo.com
Subject: OUR PARTY LIST IS HUGE!!!!!!!!!!!!!!

Um... ok so i just updated our party list (w/ a VERY DEAR FRIEND OF OUR's addition) and, um, HOLY SHIT. There's over 330 people that might come to ou

CHECK IT OUT!

EXHIBIT Y



Windows Live™

TunnelFrom: **ALEX FELL** (kappamarine@hotmail.com)

Sent: Sat 4/05/08 11:53 PM

To: ruben (belliardrd@gmail.com)

Dude check the link below. Its for the tunnel. I was thinking the 10'x24" in black.

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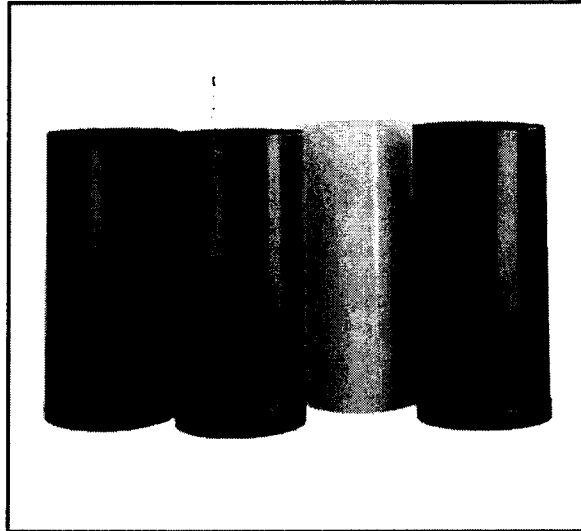
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FULL TUBES : 24" diameter x 10'

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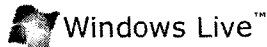
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**RE:**

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Mon 4/07/08 2:03 AM
To: belliardrd@tmo.blackberry.net

Do you think its climbable?

> To: kappamarine@hotmail.com
> Subject: Re:
> From: belliardrd@tmo.blackberry.net
> Date: Mon, 7 Apr 2008 01:55:47 +0000
>
> About the same
> Sent wirelessly via BlackBerry from T-Mobile.

> -----Original Message-----

> From: ALEX FELL <kappamarine@hotmail.com>

> Date: Mon, 7 Apr 2008 01:54:22
> To: Ruben Belliard <belliardrd@gmail.com>
> Subject: RE:

> The rope with the hook is only 1 1/2" in diameter. How big are the ropes at Pure Power?

> -----
> Date: Sun, 6 Apr 2008 21:46:29 -0400
> From: belliardrd@gmail.com
> To: kappamarine@hotmail.com
> Subject:

> This is the site for the stall bars, <http://www.promedproducts.com/s.nl/it.A/id.1073/.f>
<<http://www.promedproducts.com/s.nl/it.A/id.1073/.f>> ,

> This is the site for the rope, [http://www.gymsupply.com/index.asp?](http://www.gymsupply.com/index.asp?PageAction=VIEWPROD&ProdID=3491&MMP=1013448271)
PageAction=VIEWPROD&ProdID=3491&MMP=1013448271
<[http://www.gymsupply.com/index.asp?](http://www.gymsupply.com/index.asp?PageAction=VIEWPROD&ProdID=3491&MMP=1013448271)

PageAction=VIEWPROD&ProdID=3491&MMP=1013448271> , I like this rope because it already has a way to hook it up to the ceiling. We could just get the rope which would be cheaper but then we have to deal with how to attach it the ceiling. This is the web site <http://www.us-rope-cable.com/HTML/manila-rope.html> <<http://www.us-rope-cable.com/HTML/manila-rope.html>>

> -----
> Get in touch in an instant. Get Windows Live Messenger now.

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EXHIBIT Z

**Re: David Ferber email****From: kappamarine@hotmail.com****Sent: Tue 4/01/08 9:09 PM****To: Jennifer Lee (Jennifer_j_lee@yahoo.com)**

That's great. Just wondering
Sent via BlackBerry from T-Mobile

-----Original Message-----

From: "Jennifer J. Lee" <jennifer_j_lee@yahoo.com>

Date: Tue, 1 Apr 2008 14:02:29

To: kappamarine@hotmail.com

Subject: Re: David Ferber email

melynys was in class this morning and no ruben there.
i told her about the new place. that's ok, right?

and, buterman and i talk daily. so, i told him.

--- kappamarine@hotmail.com wrote:

> How are they funding out?

> Sent via BlackBerry from T-Mobile

>

> -----Original Message-----

> From: "Jennifer J. Lee" <jennifer_j_lee@yahoo.com>

>

> Date: Tue, 1 Apr 2008 13:35:34

> To: kappamarine@hotmail.com

> Subject: Re: David Ferber email

>

>

> I have Peterson's email. Don't you think she would
> rejoin?

>

> Buterman called me and said he is joining for sure.

> Same with Indy (Melynys). She said she would sign up

> right away, even though she has sessions left. Same

> with Buterman.

>

>

> --- kappamarine@hotmail.com wrote:

>

> > Oh yeah. Thanks honey.

> > -----Original Message-----

> > From: Jennifer Lee

> > To: Me

> > Sent: Apr 1, 2008 4:04 PM

> > Subject: David Ferber email

> >

> > David Ferber email:

> >

> > ferber@ferberchan.com

> >

> > --- kappamarine@hotmail.com wrote:

> >
> > > Hey honey. Remind me to send a thank you email
> to
> > > david ferber
> > > Sent via BlackBerry from T-Mobile
> > >
> > >
> >
> >
> > Jennifer J. Lee
> > 212-982-5163 (work)
> > www.bobbyflay.com
> >
> >
> >
> >
> > Sent via BlackBerry from T-Mobile
> >
> >
>
>
> Jennifer J. Lee
> 212-982-5163 (work)
> www.bobbyflay.com
>
>
>

Jennifer J. Lee
212-982-5163 (work)
www.bobbyflay.com

EXHIBIT AA



Alex Fell <kappamarine@gmail.com>

Nicio and Conversion

1 message

Jennifer J. Lee <jennifer_j_lee@yahoo.com>

Fri, Apr 18, 2008 at 7:53 AM

To: Alex Fell <kappamarine@gmail.com>

Call me Miss Conversion.

I converted a Lauren lover! This girl, Jacobs, loves Lauren and hugged her one time and said all would be ok and blah blah blah. So, I wrote her off.

But lately, she has been talking to me a lot, wanting to be partners, etc. and today, I converted her! She said she won't sign up if I don't return and will do what I do. She promised not to renew and to sign up for yours. Man, I am good.

Also, Nicio said he's leaving soon. He's MISERABLE.

And, Melynys said she is signing up for 6 months with you. She set aside her bday money and tax return for you guys. Is she not the sweetest girl or what? I am going to treat her to Mesa for dinner one time. She is just too awesome and I dig her.

Also, she converted Anderson and Pierre and said she would work on more people for you guys.

Jennifer J. Lee
212-982-5163 (work)
www.bobbyflay.com

EXHIBIT BB

**RE:**

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Wed 4/16/08 8:49 PM
To: Richmond, Carolyn D. (crichmond@foxrothschild.com)

Thank you very much. Hopefully she's full of it.

Alex

Subject: Re:
Date: Wed, 16 Apr 2008 15:25:18 -0400
From: CRichmond@foxrothschild.com
To: kappamarine@hotmail.com

Ok. Then let's wait for her next move. Don't take her calls--either of you. As I've advised you -- ruben is technically in breach. As long as you didn't sign, you are not (although Ruben creates issues for you personally). Let me know when you get calls, letters or emails. If she has proper counsel, she should send you a formal letter and copies of the signed agreements. Carolyn D. Richmond

Carolyn D. Richmond, Esq.

Fox Rothschild, LLP
212 878.7983
212 692.0940 fax
100 Park Avenue
New York, NY 10017

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: ALEX FELL <kappamarine@hotmail.com>
To: Richmond, Carolyn D.
Sent: Wed Apr 16 15:14:26 2008
Subject: RE:

Positive that I never signed it.

Subject: Re:
Date: Wed, 16 Apr 2008 14:24:04 -0400
From: CRichmond@foxrothschild.com
To: kappamarine@hotmail.com

Hi. Just landing in ny from ecuador. We can talk later. However, don't take any of her calls--she can put it in email. We know about ruben's and that it is a significant risk that she will sue on it--but we certainly have defenses. However, are you sure you did not sign one? Carolyn D. Richmond

Carolyn D. Richmond, Esq.

Fox Rothschild, LLP
212 878.7983

212 692.0940 fax
100 Park Avenue
New York, NY 10017

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: ALEX FELL <kappamarine@hotmail.com>
To: Richmond, Carolyn D.
Sent: Wed Apr 16 14:00:35 2008
Subject:

Hey Carolyn,

Wanted to give you the latest scoop. Lauren just called Ruben and asked him if we were starting our own gym. Ruben did not answer and tried to change the subject. She then proceeded to tell him that she has both Non-Competes, signed by us, sitting in front of her. I never signed one. Do you have any suggestions as to what we should do now?

Alex Fell

Pack up or back up--use SkyDrive to transfer files or keep extra copies. Learn how.
<http://www.windowslive.com/skydrive/overview.html?ocid=TXT_TAGLM_WL_Refresh_skydrive_packup_042008>

ATTENTION:

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<http://www.windowslive.com/messenger/overview.html?ocid=TXT_TAGLM_WL_Refresh_getintouch_042008>

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Thank you.

Pack up or back up—use SkyDrive to transfer files or keep extra copies. Learn how.

EXHIBIT CC

EXHIBIT H

Live™

Use bootcamp places out

Jennifer J. Lee (jennifer_j_lee@yahoo.com)
7/24/07 5:30 PM
Alex Fell (afell@tmo.blackberry.net); ALEX FELL (kappamarine@hotmail.com)

<http://www.jaysbootcamp.com/>
<http://www.crossfitbo.com/>
<http://www.usmcfitnessbootcamp.com/>
<http://www.platoonfitness.com/>
<http://www.bulldogbootcamp.com/>
<http://www.ccbbootcamp.com/>
<http://www.startfitness.com/>
<http://www.underdogfitnessa.com/programs/outdoor/bootcamp.html>
http://www.teamdelta.net/boot_fit.htm
<http://www.fitboot.com/>
http://www.achieve-fitness.com/boot_camp_manhattan.htm
<http://www.efitnessedge.com/>
<http://www.bootcampfitnessnyc.com/intro.asp>
http://www.livescience.com/health/ap_091109_boot_camp.html
<http://www.nytimes.com/2007/09/01/fashion/01Fitness.html?ex=1330405200&en=1190877a76611caf&ei=50464partner=rssnyt&enc=rss>
<http://www.msnbc.msn.com/id/18909564/>

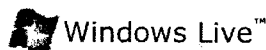
Thought of another way to sell how yours is different
(besides being Marines, upsell of discounts, etc).
But, looks like all these other bootcamp places are
outside. Yours is better cause no matter the weather,
classes are always still on.

I like how some use 0600 hours to make it very
military like.

It's interesting that the prices are so much less at
these non-NYC places.

Thinking way out of the box... but what about having
men only and women only and men/women classes? Just a
thought. I thought the NY Times article was
interesting.

Jennifer J. Lee
773-230-9115 (cell)
212-982-5163 (work)
www.bobbyflay.com



GoDaddy.com Order Confirmation

From: sales@godaddy.com
Sent: Wed 7/25/07 2:15 AM
To: kappamarine@hotmail.com

ORDER CONFIRMATION from GODADDY.COM



Tuesday, July 24, 2007 7:14:55 PM

Special Offers & Helpful Hints

Dear Alexander Fell,

Thank you for ordering from GoDaddy.com! This email contains important information regarding your recent purchase — please save it for reference.

CUSTOMER NUMBER: 15519360
LOGIN NAME: 15519360
RECEIPT NUMBER: 75430696
ORDER TOTAL: \$22.18
CUSTOMER SERVICE: (480) 505-8877

QTY	ITEM	PRICE
1	.COM Domain Name Registration - 1 Year WARRIORFITNESSBOOTCAMP.COM	\$2.19
1	Deluxe Email (1 GB/5 Boxes)	\$19.99

Subtotal: \$22.18
Shipping & Handling: \$0.00
Tax: \$0.00
Total: \$22.18

Important Information concerning your purchase:

Domain Registration	Product Info	Legal Agreement
Free Complete Email	Product Info	Legal Agreement
Free Hosting w/ Web Site Builder	Product Info	
Quick Blog	Product Info	Legal Agreement
Starter Web Page or	Product	



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Windows Live™

RE: Hey Bro

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Thu 3/13/08 8:41 PM
To: Jon Milstein (jmilstein@cox.net)

In the city. You still talk to anybody from VCU?

From: jmilstein@cox.net
To: kappamarine@hotmail.com
Subject: Re: Hey Bro
Date: Wed, 12 Mar 2008 19:24:25 -0500

I love the fact you went into the hazing business professionally.

So where in New York are you? The city? Or upstate?

----- Original Message -----

From: ALEX FELL
To: Jon Milstein
Sent: Wednesday, March 12, 2008 8:44 AM
Subject: RE: Hey Bro

Yeah man, I've been running a boot camp gym up here for the last 3 years and I'm in the process of starting my own with a business partner. It's been a hard process, starting a business. We've been at this now for 8 months but we are close to finalizing a lease deal. I am excited. My business partner is a guy I was in the Marines with and also works with me.

I was a camera operator. I actually went to film school here in New York and planned on really getting into the industry as a Cinematographer. Bought an HD camera and did a couple of jobs. Nothing too serious but then I fell into this job. I love it.

I do know TriCare. I used to have my Dental insurance with you guys. Not surprised you work in some capacity with the government being that you live in NOVA.

It's crazy but I can't believe the time has gone by so quick. Give me a ring if you're ever in town.

Good luck with your interview.

-Alex

From: jmilstein@cox.net
To: kappamarine@hotmail.com
Subject: Re: Hey Bro
Date: Wed, 12 Mar 2008 06:56:44 -0500

Dude!

Colin was telling me you run a boot camp? That's so funny! I'm good... I'm in Northern Virginia, where I've been for most of the last 10 years. God, it's strange that it's really been that long. I work as a Curriculum Developer for TRICARE- you know TRICARE, right? I work in the training department. It's boring, I'm actually interviewing for a job tomorrow morning.

But no, I'm not married... still in the dating pool. Man, I actually haven't even been seeing anyone for a few months now, but I think I'm just about to get something started here... not sure though.

Thanks for the video love. A friend and I have entered this thing called the 48 Hour Movie project, so we'll be coming up with a new short soon. Oh, Colin mentioned you were a camera operator? That's really cool man. I actually was doing that a little for just the local cable company here, but then I decided against making a show for public access. Too stupid, no one would watch. It's got to be for the web.

Jon

----- Original Message -----

From: Alex Fell

To: jmilstein@cox.net

Sent: Tuesday, March 11, 2008 8:53 PM

Subject: Hey Bro

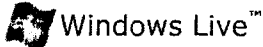
Jon, what's up man? Colin told me that you guys have been in touch. What's new in the last 10 years? You married? What are you doing for work? Where the hell do you live? Colin sent me the link to your video, funny as hell.
I'm in New York. Things are good. Hope all is well. Keep in touch

-Alex

Climb to the top of the charts! Play the word scramble challenge with star power. Play now!

Climb to the top of the charts! Play the word scramble challenge with star power. Play now!

EXHIBIT J




NW Term - revised

From: **Jennifer J. Lee** (jennifer_j_lee@yahoo.com)

Sent: Wed 12/05/07 5:32 PM

To: ALEX FELL (kappamarine@hotmail.com)

Attachments: NW termination.doc (19.6 KB)

Security scan upon download 

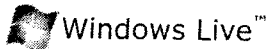
Hi honey. You certainly do know how to write a business letter! I think it's nearly perfect. I put a few minor tweaks in it. Let me know what you think.

Looks great.

They make me SO mad. I am so sorry about this.

Jennifer J. Lee
773-230-9115 (cell)
212-982-5163 (work)
www.bobbyflay.com

EXHIBIT K

**RE: Revised proposal 104 w 27**From: **ALEX FELL** (kappamarine@hotmail.com)

Sent: Mon 2/11/08 3:09 PM

To: Ryan Wagner (ryan.nycru@gmail.com)

Send it.

Date: Mon, 11 Feb 2008 10:01:51 -0500

From: ryan.nycru@gmail.com

To: kappamarine@hotmail.com

Subject: Re: Revised proposal 104 w 27

Yeah that won't be a problem. The landlord told me they are getting rid if the tenant this month. Do I need to hear back from Ruben also or can I send it to the landlord?

Hope all is well,

Ryan

On Feb 11, 2008 9:56 AM, ALEX FELL <kappamarine@hotmail.com> wrote:

Ryan,

It looks good.

I walked by there this weekend and it looks like there is a store still in business on the first floor. Will we be able to use the elevator or an existing staircase until that tenant leaves?

-Alex

Date: Mon, 11 Feb 2008 09:48:52 -0500

From: ryan.nycru@gmail.com

To: belliardrd@gmail.com; kappamarine@hotmail.com

Subject: Revised proposal 104 w 27

Hey Guys,

Please see attached the revised proposal for 104 w 27th. The only thing I changed was the price. Let me know what you guys think so I can send it to the landlord.

Best,

Ryan

--

Ryan Wagner
New York Commercial Realty Services
462 Broadway, Suite540
New York, NY 10013



RE: List of space

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Mon 2/11/08 5:12 PM
To: Greg Bonura (gbonura@findnycoffice.com)
Attachments: Letter v.3.doc (33.9 KB)

Security scan upon download

Greg,

Attached you'll find the info I spoke of. As for the list of spaces, we have already seen the following:

25 w. 26th
37 w. 26th
28 w. 27th
34 w. 27th
256-260 w. 38th

Also, anything over \$23,000 per month is above our ceiling.

I look forward to hearing from you.

-Alex

From: gbonura@findnycoffice.com
To: kappamarine@hotmail.com
CC: winslow@findnycoffice.com
Subject: List of space
Date: Mon, 11 Feb 2008 11:42:13 -0500

Hi Alex,

Please see a list of space culled from the data base that I will commence to qualify that they'll accept a Physical Fitness training center. The information you mentioned would help. Thanks!

Greg Bonura - Associate

Winslow & Company LLC - Commercial Real Estate

34 West 15th Street, 7th Floor

New York, NY 10011

T: 212.982.8484 x21

F: 212.982.6633

C: 646.526.4091

E: gbonura@findnycoffice.com

Climb to the top of the charts! Play the word scramble challenge with star power. [Play now!](#)



Windows Live™

(No Subject)From: **ALEX FELL** (kappamarine@hotmail.com)

Sent: Wed 2/20/08 2:37 PM

To: Jen (jennifer_j_lee@yahoo.com)

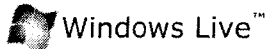
Hey honey,

This is the offer for 35th street.

I love you

Shed those extra pounds with MSN and The Biggest Loser! Learn more.

EXHIBIT L




FW: Warrior Fitness Boot Camp Offer.doc

From: **ALEX FELL** (kappamarine@hotmail.com)

Sent: Wed 2/27/08 3:25 PM

To: ruben (belliardrd@gmail.com); ruben blackberry (belliardrd@tmo.blackberry.net)

Attachments: Warrior Fitness Boot Camp Offer.doc (153.9 KB)

Security scan upon download 

Subject: Warrior Fitness Boot Camp Offer.doc

Date: Wed, 27 Feb 2008 09:40:20 -0500

From: MLevine@newmarkkf.com

To: jeff@kleinsolomon.com; malkie@kleinsolomon.com

CC: HKessler@newmarkkf.com; roni@empirestateequities.com; kappamarine@hotmail.com; paul@empirestateequities.com

Jeff,

Please draw leases for the Entire 3rd floor. The terms are attached.

-Matt

Matthew S. Levine

Corporate Advisory Services

Newmark Knight Frank

125 Park Avenue

New York, NY 10017

Tel: (212) 372-2285

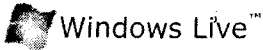
Fax: (212) 372-2382

mlevine@newmarkkf.com

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Climb to the top of the charts! Play the word scramble challenge with star power. Play now!

EXHIBIT M

**(No Subject)**

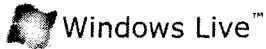
From: **Alex Fell** (kappamarine@hotmail.com)

Sent: Wed 2/27/08 4:35 PM

To: Sales@hammerheadinc.com

I am interested in your rubberflex flooring. Can you send a pricing sheet please. Looking for approximately 2,000 - 3,000 feet of flooring. Want the most economical option. Also, what do the shipping costs on an amount like this generally run?

Thank you,
Alex Fell
kappamarine@hotmail.com



RE: Rolled Rubber

From: **ALEX FELL** (kappamarine@hotmail.com)
Sent: Thu 2/28/08 3:35 AM
To: Aaron Duran (aduran@olympicsportsflooring.com)

Aaron,

I did receive your email. I'm looking into it and if I have any questions I'll shoot you an email.
Thanks,
Alex

From: aduran@olympicsportsflooring.com
To: kappamarine@hotmail.com
Subject: Rolled Rubber
Date: Wed, 27 Feb 2008 15:31:53 -0600

Alex,

I want to make sure you received the estimate I sent you for ½" Rolled Rubber. Please do not hesitate to email with questions.

You are able to purchase the flooring through our website. Typically the lead time for delivery is 3 weeks.

Again, email with further questions.

Thank you,

Aaron

Aaron Duran

Associate

aduran@olympicsportsflooring.com

phone: 888.520.0920

fax: 888.737.7650



Alex Fell <kappamarine@gmail.com>

Re: Larry called (Buterman)

1 message

Alex Fell <kappamarine@gmail.com>

Wed, Apr 16, 2008 at 3:16 PM

To: "Jennifer J. Lee" <jennifer_j_lee@yahoo.com>

Hey Honey,

Ruben thinks that he shredded the copy of the contract. I love you

On Wed, Apr 16, 2008 at 2:41 PM, Jennifer J. Lee <jennifer_j_lee@yahoo.com> wrote:

Larry called and could only talk for 2 minutes and will call me back later.

He said under no circumstances should either of you talk to her ever again. She will misrepresent you and all that you have said and done. And that she is a known liar so best to stay away from her.

So, Ruben, you were BRILLIANT to not say anything and keep changing the subject.

Larry was adamant that the 2 of you have no contact with her at all and if she calls you, you hang up, etc. IF you see her, walk away.

He also wants to see a copy of the contract even though he says it will be thrown out. I told him I don't know if you have it.

I told him Alex never signed one but Ruben did. He said it won't hold up but he'd like to see a copy if possible.

He said he'd call me later with more advice.

Jennifer J. Lee
212-982-5163 (work)
www.bobbyflay.com

--
OOHRAH!

Alex Fell

WARRIOR FITNESS BOOT CAMP
29 W. 35TH ST.
3RD FLOOR
NEW YORK, NY 10001
TEL: (212) 967-7977
FAX: (212) 967-7477
www.warriorfitnessbootcamp.com

EXHIBIT FF

Print | Close Window

Subject: RE: FW: Hi Guys!

From: "Landry, Nicole" <nicole.landry@lovells.com>

Date: Thu, May 01, 2008 11:54 am

To: <alex@warriorfitnessbootcamp.com>

Confidential

Got it. Thanks
- N

From: alex@warriorfitnessbootcamp.com [mailto:alex@warriorfitnessbootcamp.com]

Sent: Thursday, May 01, 2008 12:19 PM

To: Landry, Nicole

Subject: RE: FW: Hi Guys!

Hey Gillikin/Landry,

Just faxed over contract.

OOHRAH!

Alex

Warrior Fitness Boot Camp
29 W. 35th St.
3rd Floor
New York, NY 10001
Tel:(212)967-7977
Fax:(212)967-7477
www.warriorfitnessbootcamp.com

----- Original Message -----

Subject: RE: FW: Hi Guys!

From: "Landry, Nicole" <nicole.landry@lovells.com>

Date: Thu, May 01, 2008 7:19 am

To: <alex@warriorfitnessbootcamp.com>

Confidential

Hi Alex,

Thanks for the info. When can I check out the place? I'll sign up for the 24 TD package. Pls send over the docs when you get a chance. Email is better if possible. Otherwise, you can fax it to 212-909-0660. But that's a general fax number for my whole office so please use a cover page and put it to my attention (Nicole Landry; office 8.10). Thanks.

Nicole

From: alex@warriorfitnessbootcamp.com [mailto:alex@warriorfitnessbootcamp.com]

Sent: Tuesday, April 29, 2008 2:37 PM

To: Landry, Nicole

Subject: RE: FW: Hi Guys!

Hey Gillikin,

It's good to hear from you. We'll definitely put you in for the 7:30am on Mondays starting May 12. Pricing for the number of training days that you requested are as follows:

36 training days- \$1497 (\$41.60 per training day) A 5% discount from the regular price of \$43.70 has been applied.

48 training days- \$1888 (\$39.35 per training day) A 10% discount from the regular price applies.

Let us know what you want to do and we can fax you a contract.

Also, in case you haven't heard what our program offers, below is a brief synopsis.

The gym is Marine Corps oriented. All walls are painted in Marine Corps colors. The class structure will be based on what we went through at Parris Island (Marine Corps Boot Camp). We have an obstacle course that we designed. Ascending and descending Monkey Bars, awesome Marine Corps Hurdles, Dip bars, many Walls to climb and much more. Surrounding the course is a track for running and Bear Crawling! We have

medicine balls, stall bars, free weights, resistance bands, etc... Lots of good stuff.

Classes are as follows: M-F 5:30am, 6:30am, 7:30am, 8:30am, 12:00pm, 12:30pm (2- 1/2 hour classes during lunch), 1pm, 5:30pm, 6:30pm, 7:30pm

Sat 9:30am, 10:30am

We will be conducting fitness assessments throughout your training cycle.

We offer a 24 Training Day program, 36 T.D. program, 48, 72, and 96.

For our opening during the first 3 months, we are offering the discounted price of \$999 for a 4 day a week, 6 week program or 3 day a week, 8 week program. 24 training days total.

Also, the more training days that you sign up for, the larger discount that you will receive.

We also offer a referral program whereby if you refer a new Warrior and they sign up for 6 weeks or more, you will receive a weeks worth of training days the next time you sign up.

OOHRAH!

Alex

Warrior Fitness Boot Camp
29 W. 35th St.
3rd Floor
New York, NY 10001
Tel: (212) 967-7977
Fax: (212) 967-7477
www.warriorfitnessbootcamp.com

----- Original Message -----

Subject: FW: Hi Guys!
From: "Landry, Nicole" <nicole.landry@lovells.com>
Date: Tue, April 29, 2008 8:37 am
To: <alex@warriorfitnessbootcamp.com>

Confidential

Hi Alex!

It's Gillikin (the new last name still confuses everyone, including me...)

So, congrats on the new spot!!! So excited for you guys. The place sounds cool - looking forward to a change - can't wait to see it. Been playing phone tag with Ruben but I'll def sign up w/ you guys. I have until June 12th (Tues / Thurs) at Brenner's but I want to support y'all from the beginning. Can I sign up for Mondays, 7:30 am, starting on May 12th (or whenever you open) and then switch to Tues / Thurs after June 12th? Sorry to be a pain.

Can someone send me prices for the 36 and 48 session packages?

Are we still wearing camo??

Miss you guys - PPBC is just not as cool anymore ;) Good Luck!!

- N

Nicole (Gillikin) Landry
Tax Associate

Lovells LLP
590 Madison Avenue
New York NY 10022

Tel: +1 212 909 0600
Direct: +1 212 909 0629
Fax: +1 212 909 0660
Email: nicole.landry@lovells.com

From: Liz Friesell [<mailto:liz@outpostdigital.com>]
Sent: Tuesday, April 29, 2008 10:46 AM
To: Landry, Nicole

Subject: Fwd: Hi Guys!

here you go! sounds like it will be a nice change of scenery!

Begin forwarded message:

From: alex@warriorfitnessbootcamp.com
Date: April 28, 2008 5:55:35 PM EDT
To: Liz Friesell <liz@outpostdigital.com>
Subject: RE: Fwd: Hi Guys!

Hey Freak,

Good to hear from you. We are psyched to be kicking your butt again soon. Below is a brief synopsis of our program, in case you haven't heard.

The gym is Marine Corps oriented. All walls are painted in Marine Corps colors. The class structure will be based on what we went through at Parris Island (Marine Corps Boot Camp). We have an obstacle course that we designed. Ascending and descending Monkey Bars, awesome Marine Corps Hurdles, Dip bars, many Walls to climb and much more. Surrounding the course is a track for running and Bear Crawling! We have medicine balls, stall bars, free weights, resistance bands, etc... Lots of good stuff.

Classes are as follows: M-F 5:30am, 6:30am, 7:30am, 8:30am, 12:00pm, 12:30pm (2- 1/2 hour classes during lunch), 1pm, 5:30pm, 6:30pm, 7:30pm

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For our opening during the first 3 months, we are offering the discounted price of \$999 for a 4 day a week, 6 week program or 3 day a week, 8 week program. 24 training days total.

Also, the more training days that you sign up for, the larger discount that you will receive.

We also offer a referral program whereby if you refer a new Warrior and they sign up for 6 weeks or more, you will receive a weeks worth of training days the next time you sign up.

We had a delay in construction that set us back a few days so we are moving the opening date to Monday, May 12. As soon as everything is up to our standards, we will be opening for viewing. We are very sorry for any inconvenience.

Please feel free to contact us at any time. We would love to hear from you.

OOHRAH!

Alex

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3rd Floor
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Tel: (212) 967-7977
Fax: (212) 967-7477
www.warriorfitnessbootcamp.com

----- Original Message -----

Subject: Fwd: Hi Guys!
From: Liz Friesell <liz@outpostdigital.com>
Date: Mon, April 28, 2008 9:06 am
To: alex@warriorfitnessbootcamp.com, ruben@warriorfitnessbootcamp.com

this got sent back to me cause I realized the email was misspelled!
Begin forwarded message:

From: Liz Friesell <lizfriesell@mac.com>
Date: April 28, 2008 12:04:48 PM EDT
To: alex@warriorfitnessbootcamp.com, ruben@warriorfitnessbootcamp.com
Subject: Hi Guys!

Hey there guys!

Davis forwarded me the info that Nancy had set along, sounds like it's all coming together! So excited for you both!

I am definitely on board, but I do have 16 sessions left at Pure Power, so I was hoping I could sign up with you guys to start next week, but I would only be able to do 1 or 2 sessions with you guys weekly while I try to finish out my sessions over at 21st street! Is that something you guys are cool with? I'm actually gonna try and do 5 sessions this week in an effort to whittle them down as soon as possible, and well, I am getting married in a year, so what better time then to get my ass in shape!

If you guys are cool with me starting next week at one or two sessions weekly then send over the

contract and we'll get it all set up!

can't wait to see you guys back in action!
best,
liz

Liz Friesell
914-462-1779

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EXHIBIT GG



Alex Fell <kappamarine@gmail.com>

Re: Tell Ruben to return key immediately

2 messages

Alex Fell <kappamarine@gmail.com>

Wed, Apr 16, 2008 at 5:17 PM

To: "Jennifer J. Lee" <jennifer_j_lee@yahoo.com>

Thanks honey will do. He's gonna do it in the morning before he comes here.

I love you so much. I better get some loving tonight.

Can I have tacos please?

On Wed, Apr 16, 2008 at 5:12 PM, Jennifer J. Lee <jennifer_j_lee@yahoo.com> wrote:
This is all from Buterman.

Tell Ruben to return the key immediately via mail (not personally)

And, Ruben should not go to PPBC to pick up his things. She can accuse him of criminal activity.

If he really needs his stuff, Nancy should get it, not Ruben.

Jennifer J. Lee
212-982-5163 (work)
www.bobbyflay.com

--
OOHRAH!

Alex Fell

WARRIOR FITNESS BOOT CAMP
29 W. 35TH ST.
3RD FLOOR
NEW YORK, NY 10001
TEL: (212) 967-7977
FAX: (212) 967-7477
www.warriorfitnessbootcamp.com

Alex Fell <kappamarine@gmail.com>

Wed, Apr 16, 2008 at 5:48 PM

To: "Jennifer J. Lee" <jennifer_j_lee@yahoo.com>

EXHIBIT HH



Alex Fell <kappamarine@gmail.com>

Buterman advice

1 message

Jennifer J. Lee <jennifer_j_lee@yahoo.com>
To: Alex Fell <kappamarine@gmail.com>

Fri, May 2, 2008 at 4:57 PM

I told him about the buidling inspector, etc. His advice is not to do anything at her level. Not to provoke her or antything since she is such a child. however, her lawyer should be made aware that you know that she is up to these ploys and needs to stop.

He said she is ruining her business on her own, taking all this time and energy and money, isntead of running her own business.

In time, she will fail because of herself. Not because you did anything to stoop to her level.

It doesn't mean Buterman won't do some little things to let people know stuff that will hurt her even more... but it won't hurt you guys. He assures me of that. He has your best interests at heart first. Then, his insterest to destroy her is secondary and he thinks she is already destroying hersefl anyway.

Jennifer J. Lee
212-982-5163 (work)
www.bobbyflay.com

EXHIBIT II

EXHIBIT JJ
